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**MAILED**

**APR 29 2010**

**OFFICE OF PETITIONS**

**Weaver Austin Villeneuve & Sampson LLP  
P.O. BOX 70250  
OAKLAND CA 94612-0250**

In re Application of :  
David Byrne Reese :  
Application No. 10/849,602 : **DECISION ON PETITION**  
Filed: May 19, 2004 :  
Attorney Docket No. ODVFP008 :

This is a decision on the Petition to Expunge, filed December 18, 2009 which is being treated as a petition under 37 CFR 1.59(b) to expunge information from the above identified application.

The petition is **dismissed**.

Petitioner requests that the document titled Request for Continued Examination (RCE) filed on December 17, 2009, be expunged from the record. Specifically the RCE filed on that day at 15:07:52 is requested to be expunged. Petitioner states this was the second RCE filed on December 17, 2009 was filed inadvertently.

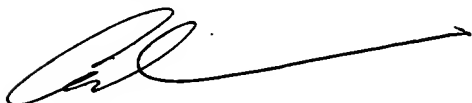
The petition is deficient because there is no statement that:

- (B) the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
- (C) the information has not otherwise been made public;
- (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted.

Petitioner is directed to MPEP 724.05(II).

Petitioner indicates there is no fee for this request but petitions under 37 CFR 1.59(b) requires a petition fee set forth in 37 CFR 1.17(g) which is currently \$200. This petition fee has been charged to petitioner's deposit account.

Telephone inquiries concerning this communication should be directed to Carl Friedman at (571) 272-6842.

A handwritten signature in black ink, appearing to be 'Carl Friedman', with a long horizontal stroke extending to the right.

Carl Friedman  
Petitions Examiner  
Office of Petitions